

Remarks

Reconsideration of this Application is respectfully requested. Claims 1-31 are pending in the application, of which claims 1, 7, 15, 17, 21, 24, and 28 are independent. Based on the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

Rejection under 35 U.S.C. § 103

The Examiner, on page 2 of the Office Action, has rejected claims 1-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,363,488 to Ginter *et al.* (hereinafter “Ginter”) in view of U.S. Patent No. 4,093,223 to Wilke *et al.* (hereinafter “Wilke”). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

The M.P.E.P. states that “[t]he Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of nonobviousness.” M.P.E.P. § 2142, page 2100-123.

Applicant respectfully asserts that the obviousness rejection is improper because the Examiner has not established a *prima facie* case of obviousness. “To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.” M.P.E.P. § 2141, page 124. Applicant asserts that there is no suggestion or motivation in the references

themselves or in the knowledge of one skilled in the art, to modify the reference or to combine reference teachings.

Ginter is directed to a method for secure transaction management and electronic rights protection. *Ginter*, Abstract; col. 1, lines 14-26. Wilke is directed to an apparatus for simulating an athletic contest on an electronic playing field. *Wilke*, col. 1, lines 34-36. There is nothing in the references themselves that would suggest the combination. Thus, Ginter and Wilke, considered as a whole, do not suggest the desirability or the obviousness of making the combination.

The Examiner's reasoning for the combination, stated on page 3 of the Office Action, indicates that "scoreboard data of Wilke's teachings would have allowed Ginter's system to generate *all play action* automatically," The Examiner also states that "scoreboard data as taught by Wilke improves to display all results instantly in the time frame." *Id.* Applicant respectfully disagrees. Ginter does not appear to teach or suggest "generating all play action" or "scoreboard data". To the contrary, Ginter teaches secure transaction management and electronic rights protection. Wilke teaches simulating a fully automatic game. *Wilke*, col. 2, lines 12-16. Thus, neither reference provides a motivation to combine, and the Examiner has not provided a convincing line of reasoning as to why one skilled in the art would have found the claimed invention to have been obvious in light of the teachings of the references. Therefore, the Examiner has not established a *prima facie* case of obviousness.

Thus, for at least the above reasons, Applicant respectfully submits that claims 1-31 are patentable over the cited references. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-31 under 35 U.S.C. § 103(a).

Request for an Examiner Interview

Applicant respectfully requests an Examiner Interview. Applicant respectfully requests that the Examiner contact the Applicant's representative at the number provided to formally set a date and time to conduct the interview.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

Intel Corporation

Crystal D. Sayles

Crystal D. Sayles
Senior Attorney
Intel Americas, Inc.
Registration No. 44,318
(202) 986-3179

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c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026

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